



TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER AN ISSUED PATENT

In re Application of: James H. Falkner

Application No.: 09/944,307 Filing Date: 30 August 2001

Title: Method and Apparatus to Facilitate Automated Software Installation on

Remote Computers over a Network

The owner*, <u>Sun Microsystems</u>, <u>Inc.</u> of a <u>100</u> percent interest in the above-identified instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to 156 and 173, as presently shortened by any terminal of prior Patent No. <u>6,675,382</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, in is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer.

[x] A terminal disclaimer fee of \$130 under 37 C.F.R. \$1.20(d) is included herewith.

[] As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further, that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Ву

Edward J. Grundler (Agent of Record)

Registration No. 47,615

Date: 4 January 2006

PARK, VAUGHAN & FLEMING LLP 2820 Fifth Street Davis, CA 95616 (530) 759-1661

^{*}Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

Certificate Under 37 CFR 3.73(b)

Applic	Patent Owner: James H. Fal	kner
		Filed/Issue Date: 30 August 2001
Entitled	d: Method and Apparatus to	Facilitate Automated Software Installation on Remote
		Cornoration
Sun I	Microsystems, Inc. (Name of Assignee)	, a Corporation (Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)
certifies	s that it is the assignee of the entire r	right, title and interest in the patent application/patent identified above by virtue of either:
A. [x]	An assignment from the inventor(s) Patent and Trademark Office at Re	of the patent application/patent identified above. The assignment was recorded in the el 012138, Frame 0387, or for which a copy thereof is attached.
OR		
В. []	A chain of title from the inventor(s below:	s), of the patent application/patent identified above, to the current assignee as shown
	1. From:	To:
	Reel, Frame, or for w	in the patent and Trademark Office at which a copy thereof is attached
	2. From:	To:
	Reel, Frame, or for w	in the patent and Trademark Office at which a copy thereof is attached
	3. From:	To:
	The document was recorded in Reel, Frame, or for was	in the patent and Trademark Office at which a copy thereof is attached
	[] Additional documents in the cha	ain of title are listed on a supplemental sheet.
[] Cop	pies of assignments or other document	nts in the chain of title are attached.
The u	ndersigned has reviewed all the docu undersigned's knowledge and belief,	aments in the chain of title of the patent application/patent identified above and, to the title is in the assignee identified above.
The u	ndersigned (whose title is supplied b	elow) is empowered to sign this certificate on behalf of the assignee.
belief a like so	re believed to be true; and further, t made, are punishable by fine or imp	hat these statements are made with the knowledge that willful false statements, and the risonment, or both, under Section 1001, Title 18 of the United States Code, and that such validity of the application/patent or any patent issuing thereon.
Date: _	4 January 2006	
		No. 47,615)
Title: _	Agent of Record	

Application No./Patent No.: 6, 675, 382 Entitled: Software Fackaging and Distribution System Sun Microsystems, Inc. , a Corporation (Type of Ausgene, e.g. corporation, parametris), university, government agency, etc.) Counted of Ansigneed A. [X] An assignment from the inventor(s) of the patent application/patent identified above by virtue of Patent and Trademark Office at Reel 010035, Frame 0290, or for which a copy thereof is attached. OR B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignce as she below: 1. From: To: To: To: The document was recorded in the patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached 2. From: To: To: To: The document was recorded in the patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached 3. From: To: To: To: The document was recorded in the patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached [] Additional documents in the chain of title are listed on a supplemental sheet. [] Copies of assignments or other documents in the chain of title are attached. The undersigned has reviewed all the documents in the chain of title of the patent application/patent identified above and, the best of undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee. 1 hereby declare that all statements made herein of my own knowledge are true, and that all statements made on informatic belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, a like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and willful false statements may jeopardize the validity of the application/patent or any patent issuing thereon.	Applicant/Pakent Owner: Gas D. Fost	er
Entitled: Software Packaging and Distribution System Sun Microsystems, Inc. , a Capperation Other of Anapero (Other of Anapero) , a Capperation Other of Anapero, (iii) and Capper (Other of Anapero) , a Capperation Other of Anapero) , a Capperation Other of Anapero, (iii) (Other of Anapero) , a Capperation Other of Anapero) , a Capperation Othe	Application No./Patent No.: 6, 675, 382	
Sun Microsystems, Inc. (Name of Anagene), a Corporation (Type of Anagene, e.g. corporation, patternhip, university, povernment agency, etc.) certifies that it is the assignment from the entire right, title and interest in the patent application/patent identified above. The assignment was recorded Patent and Trademark Office at Reel 010035, Frame 0290, or for which a copy thereof is attached. OR B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as she below: 1. From:		
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